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Date: August 17, 2007/Stacey Bussey/
Stacey Bussey**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): John M. Miller, *et al*

Serial No: 10/824,962

Filing Date: April 15, 2004

Examiner: Benjamin C. Lee

Art Unit: 2612

Title: SYSTEM FOR DYNAMICALLY PUSHING INFORMATION TO A USER
UTILIZING GLOBAL POSITIONING SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicants submit this brief in connection with an appeal of the above-identified patent application. Payment of the \$250.00 fee for filing this Appeal Brief is submitted herewith. In the event any additional fees may be due and/or are not covered by the fee submission, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [GLOBP102USA].

I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real parties in interest in the present appeal are John M. Miller and Himanshu S. Amin, the inventors of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1-21 and 44 have been cancelled. Claims 22-43 and 45-50 stand rejected by the Examiner. The rejection of claims 22-43 and 45-50 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

The Examiner has entered the amendments submitted after the Final Office Action. (*See* Advisory Action dated May 24, 2007).

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 22**

Independent claim 22 relates to a system for directing and receiving information to and from relevant geographical locations, comprising a document that has information associated with a geographic region and a component that automatically directs the document to a user upon entrance into the geographic region. Thus, entering a region is the action that causes the document to be sent to the user. (*See* Fig. 4a and accompanying text at paragraphs [0029]-[0032]).

B. Independent Claim 37

Independent claim 37 relates to a system that facilitates deliverance of information based upon geographic location, comprising a plurality of documents associated with one or more geographic regions, the documents have region identifiers that define one or more regions

associated with each of the plurality of documents, a component that dynamically determines entrance into a geographic region by a user, and a delivery component that analyzes the region identifiers associated with the documents and delivers to the user one or more of the documents that comprise region identifiers corresponding to the entered geographic region. Thus, the user entrance into the geographic region is detected, which triggers sending to the user a document associated with the region. (See Fig. 4a and accompanying text at paragraphs [0029]-[0032]).

C. Independent Claim 43

Independent claim 43 relates to a method for delivering geographically specific information to a user, comprising dynamically monitoring geographic location of a user, automatically searching over a plurality of documents relevant to the geographic location of the user, dynamically delivering a document to the user that has been searched over based at least in part upon the monitored geographic location of the user, and delivering a disparate document to the user based at least in part upon a sensed alteration in geographic location of the user. Thus, the geographic location of a user is automatically sensed, and a document is sent to the user upon alteration of their geographic location. (See Fig. 4a and accompanying text at paragraphs [0029]-[0032]).

D. Independent Claim 49

Independent claim 49 relates to a system that facilitates information retrieval, comprising means for associating a document with a geographic region, means for dynamically monitoring geographic location of a user, means for determining a geographic region of the user based upon that monitored, and means for delivering the document to the user based at least in part upon the geographic region associated with the document and the determined geographic region of the user. Thus, the location of a user is monitored dynamically, and a document associated with a region is delivered to the user upon change in the region. (See Fig. 4a and accompanying text at paragraphs [0029]-[0032]).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

- A. Whether claims 22-31, 33-43, and 45-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.* (US 6,381,603) in view of Kari, *et al.* (US 6,154,745). Claim 24 will be argued separately from independent claims 22, 37, 43, and 49.
- B. Whether claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.*, in view of Kari, *et al.*, and Dussell, *et al.* (US 5,938,721).

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))**A. Rejection of Claims 22-31, 33-43, and 45-50 Under 35 U.S.C. §103(a)**

Claims 22-31, 33-43, and 45-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.* (US 6,381,603) in view of Kari, *et al.* (US 6,154,745). It is respectfully requested that this rejection be reversed for at least the following reasons. Chan, *et al.* and Kari, *et al.*, when taken either alone or in combination, fail to teach or suggest all aspects recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation . . . in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must . . . not [be] based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Claims 22, 37, 43, and 49

The subject matter claimed herein relates to dynamically pushing information to users of global positioning systems (GPS) based at least in part on the location of the user at a given point

in time and based on demographic information about the user. More specifically, independent claim 22 (and similarly claims 37, 43, and 49) recites *a document that comprises information associated with a geographic region; and a component that automatically directs the document to a user upon entrance into the geographic region*. Chan, *et al.* and Kari, *et al.* fail to teach or suggest these features alone or in combination.

Chan, *et al.* relates to a system containing a proprietary database whose entries include stores that are indexed with respect to merchandise information, descriptions, position coordinates according to GPS, *etc.* The user of a GPS is able to query the database with desired criteria including the location of the user at that point in time – such location can be acquired from the GPS. The query results are returned and filtered based on the user's location and desired search radius distance. However, Chan, *et al.* fails to teach *a document that comprises information associated with a geographic region; and a component that automatically directs the document to a user upon entrance into the geographic region* as recited in the subject claims.

Conversely, Chan, *et al.* teaches a proprietary database where “[e]ach piece of merchandise information is organized as a *record* in the database.” (See col. 5, ll. 8-9). This cited section also recites a number of related *fields* of the *database records*; however, Chan, *et al.* fails to teach or suggest *a document* as recited in the subject claims, much less *a document that comprises information associated with a geographic region* and that is automatically directed to a user upon entering a geographic region. Thus, the reference is completely silent in this regard as the query results are mere database records where a field may be a position indicator; however, these records are not indicative of documents comprising associated region information as disclosed in the subject claims. Additionally, Chan, *et al.* contemplates GPS coordinates associated with a document. GPS coordinates refer only to a point and not a *geographic region* as recited in the subject claims.

Moreover, the Examiner, though conceding that Chan, *et al.* fails to teach *automatically* directing the document, asserts that Chan, *et al.* teaches directing a document to a user upon entrance into the geographic region. However, in the subject matter claimed herein, the directing of the document can be tied to the user's entrance into the geographic region such that the directing of the document is automatically triggered by this event. Once a GPS receiver detects that the user has entered a geographic region, *then* the document is automatically directed to the

user in the subject application. Chan, *et al.* is silent in regard to such aspects. In fact, Chan, *et al.* does not recite any automated activity upon entering a new region other than updating GPS coordinates, which is not a geographic region. Additionally, the Examiner asserts that Chan, *et al.* teaches geographic region functionality, as it can use a zip code, which is indicative of a geographic region. However, though Chan, *et al.* may allow manual searching functionality using a manually-input zip code, the zip code does not automatically update according to the position of the user in Chan, *et al.* For at least these reasons, Chan, *et al.* fails to teach or suggest *a component that automatically directs the document to a user upon entrance into the geographic region* as asserted by the Examiner.

The Examiner further offers Kari, *et al.* to cure the deficiency with respect to *automatically* directing the document. Kari, *et al.* generally relates to a system for providing users with location-specific searching while traveling. This is achieved in short by receiving the user's current location and querying a desired database specifying the location by which the results are to be filtered. Like Chan, *et al.*, however, Kari, *et al.* fails to teach *a document that comprises information associated with a geographic region; and a component that automatically directs the document to a user upon entrance into the geographic region.*

Similarly to Chan, *et al.*, Kari, *et al.* operates with a proprietary database having a plurality of records and thus does not disclose or suggest *a document that comprises information associated with a geographic region* as described by the subject claims. Furthermore, the Examiner cites column 16, lines 18-25 of Kari, *et al.* as teaching automatically directing a document to a user upon entrance into a geographic region. However, while Kari, *et al.* recites "information is updated automatically, i.e. during the trip of the user," there is no teaching or suggestion that documents are automatically directed to the user when they enter a geographic region (e.g. the entrance into the region serves as the trigger for directing the document) as recited in the subject claims.

In view of the foregoing, and because Chan, *et al.* and Kari, *et al.* are otherwise silent as to *a document that comprises information associated with a geographic region; and a component that automatically directs the document to a user upon entrance into the geographic region*, rejection of independent claims 22, 37, 43, and 49, as well as claims 23-31, 33-36, 38-42, 45-48, and 50, which respectively depend therefrom, should be reversed.

Claim 24

Rejection of claim 24 should be reversed for the foregoing reasons and because Chan, *et al.* and Kari, *et al.*, alone or in combination, fail to teach or suggest the document comprising information associated with the geographic region dynamically linked from a database upon entrance into the geographic region where ***the database is the Internet*** as recited. Rather, Chan, *et al.* and Kari, *et al.* both query proprietary remote systems or databases for information. Though the remote systems/databases can be accessed *via* an Internet connection or service provider, the resultant documents are not dynamically linked from the Internet as recited in the subject claims. (See, e.g., Chan, *et al.*, col. 6, ll. 63-65 and Kari, *et al.*, col. 8, ll. 20-25). For at least these additional reasons, Chan, *et al.* and Kari, *et al.*, alone or in combination, fail to teach or suggest aspects of claim 24. Therefore, this rejection should be reversed.

B. Rejection of Claim 32 Under 35 U.S.C. §103(a)

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chan, *et al.*, in view of Kari, *et al.*, and Dussell, *et al.* (US 5,938,721). It is requested that this rejection be reversed for at least the following reasons. Chan, *et al.*, Kari, *et al.*, and Dussell, *et al.*, when taken alone or in combination, fail to teach or suggest all aspects recited in the subject claim. More particularly, Dussell, *et al.* fails to make up for the aforementioned deficiencies of Chan, *et al.* and Kari, *et al.* with respect to claim 22, from which claim 32 depends. Accordingly, this rejection should be reversed.

C. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 22-43 and 45-50 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [GLOBP102USA].

Respectfully submitted,

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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1-21. (Cancelled).

22. A system for directing and receiving information to and from relevant geographical locations, comprising:

a document that comprises information associated with a geographic region; and

a component that automatically directs the document to a user upon entrance into the geographic region.

23. The system of claim 22, the document comprising information associated with the geographic region dynamically linked from a database upon entrance into the geographic region.

24. The system of claim 23, the database is the Internet.

25. The system of claim 22, further comprising a component that receives a query, the document directed to the user based at least in part upon contents of the query.

26. The system of claim 22, further comprising a GPS component that dynamically determines a geographic region associated with the user.

27. The system of claim 22, further comprising a component that analyzes demographic information relating to the user, the document is directed to the user based at least in part upon the analyzed demographic information.

28. The system of claim 27, the demographic information being one or more of income level, vehicle type driven by the user, search history on the Internet, time of day, day of a week, and past purchasing history.

29. A portable device comprising the system of claim 22.

30. An automobile comprising the system of claim 22.
31. The system of claim 22, a region identifier associated with the document.
32. The system of claim 22, the document is a web page.
33. The system of claim 22, further comprising a component that receives a query, wherein documents returned based upon the query are restricted to documents comprising information relating to a current geographic region of the user.
34. The system of claim 22, at least a portion of the information within the document directed audibly to the user.
35. The system of claim 22, the document pushed from a database assigned to the geographic region.
36. The system of claim 22, at least one of size and shape of the geographic region is defined by the user.
37. A system that facilitates deliverance of information based upon geographic location, comprising:
 - a plurality of documents associated with one or more geographic regions, the documents comprising region identifiers that define one or more regions associated with each of the plurality of documents;
 - a component that dynamically determines entrance into a geographic region by a user;
 - and
 - a delivery component that analyzes the region identifiers associated with the plurality of documents and delivers to the user one or more of the documents that comprise region identifiers corresponding to the geographic region entered into by the user.

38. The system of claim 37, further comprising a query component that receives a query, the one or more documents delivered to the user is based at least in part upon contents of the query.

39. The system of claim 37, further comprising a component that analyzes demographic information corresponding to the user, the one or more documents delivered to the user is based at least in part upon the analyzed demographic information.

40. A portable communication device employing the system of claim 37.

41. The system of claim 37, the region identifiers embedded into the plurality of documents.

42. The system of claim 37, the documents resident upon the Internet.

43. A method for delivering geographically specific information to a user, comprising:
dynamically monitoring geographic location of a user;
automatically searching over a plurality of documents relevant to the geographic location of the user;
dynamically delivering a document to the user that has been searched over based at least in part upon the monitored geographic location of the user; and
delivering a disparate document to the user based at least in part upon a sensed alteration in geographic location of the user.

44. (Cancelled).

45. The method of claim 43, further comprising receiving a query, the document delivered based at least in part upon the monitored geographic location of the user and the query.

46. The method of claim 43, a GPS system employed to dynamically monitor the geographic location of the user.

47. The method of claim 43, further comprising:
assigning the current geographic location of the user to a geographic region; and
delivering the document to the user based upon the assigned geographic region.
48. The method of claim 47, further comprising embedding geographic region identifiers within the plurality of documents.
49. A system that facilitates information retrieval, comprising:
means for associating a document with a geographic region;
means for dynamically monitoring geographic location of a user;
means for determining a geographic region of the user based upon the monitored geographic location of the user; and
means for delivering the document to the user based at least in part upon the geographic region associated with the document and the determined geographic region of the user.
50. The system of claim 49, further comprising:
means for receiving a query; and
means for delivering the document to the user based at least in part upon the query.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.